



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
GOVERNOR'S ADVISORY COUNCIL (GAC)
TO THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (DDDS)**

February 16, 2017

The Governor's Advisory Council to the DDDS met on February 16, 2017, at the 1056 Woodbrook Conference Room in Dover.

COUNCIL MEMBERS PRESENT: Terri Hancharick, Chair
Timothy F. Brooks, Ed.D.
Gail Womble
Angie Sipple
Thomas Rust

ABSENT COUNCIL MEMBERS: Susan Pereira

STAFF MEMBERS PRESENT: Marie Nonnenmacher
James Dickinson
Lynda Lord
Marissa Catalon
Vicky Gordy - minutes

GUESTS PRESENT: Pat Maichle, DDC
Marj Shannon, Presenter
Stan Trier, Guest
Terry Olson, The ARC of Delaware

CALL TO ORDER: The meeting was called to order at 11 a.m.

APPROVAL OF MINUTES: The January 19, 2017 minutes were approved.

NEXT MEETING: March 16, 2017, at 11 a.m.

AGENDA-ADDITIONS: ARC of Delaware HUD Issues

Agenda Subjects

- **Shared Living Data**
Lynda Lord presented the "DDDS Waiver Shared Living Service" presentation, which provided history, data, supports, compensation, and program oversight information for the Shared Living Program. Council member spoke about a case of neglect that occurred in the past at a shared living home. Currently, there are multiple opportunities for provider oversight as evidenced by annual home visits and environmental inspections, oversight and monthly contact with provider by case management to include four face-to-face (at least two in the home) visits per year, DDDS Office of Quality Improvement annual record reviews where both the provider and DDDS case management is examined.

DDDS is in the process of conducting individual surveys that are comparable to the residential surveys. Currently, 40% of surveys are complete with a goal of 90-100% completion by July 1, 2017.

The Office of Professional Services manages the DDDS Respite Program. Some shared living providers provide respite services and emergency temporary living arrangements. Typically, shared living providers do not provide respite services to complicated cases. Many families requesting respite services have an identified provider before requesting service.

- **PM 46 Update**

The DDDS Office of Resident's Protection (ORP) continues to work to revise PM 46 policy and process to include meeting with Long Term Care Residents Protection to ensure continuity. ORP is writing standard operating procedures surrounding PM 46 for clarity and consistency. Development of a special procedure for outlying cases is ongoing that includes creating a quality project by investigating how policies failed to ensure compliance. The completion goal is July 1, 2017.

ORP has identified two data systems that IRM is reviewing for approval to house PM 46 information. Development of system will take time. Due to the high volume of work, the ORP is reorganizing staff by combining investigation and survey staff in a more efficient fashion. Once the data system is in place, it will create efficiency to facilitate management of PM 46 cases. ORP staffing presents approximately 15 employees that support investigations (both complaints and annual surveys), data system development and management, community relation contacts, and policy/regulation.

Internal DDDS trainings surrounding investigation is being sought. In the past DDDS contracted trainings, which is expensive and cumbersome to arrange. Therefore, the ORP is attempting to get 6-8 internal trainers that will afford offering at least four training classes per year to DDDS and provider staff. Although per provider agencies contracts, agencies are required to provide PM 46 training to staff, DDDS believes it is in the best interest to augment training with DDDS trainers for everyone to be clear and consistent. A list of incidents that rise to a PM 46 level is being developed to include in trainings to eliminate vague areas. Future plans include DDDS trainers attending a PM 46 train-the-trainer course to provide training opportunities for provider agency staff surrounding PM 46 investigations. DDDS is exploring technical options and resources for training to include web-based options.

DDDS plans to update the GAC monthly surrounding progress to include specific requested data points once collected.

- **DDDS Data Project**

Marj Shannon gave a progress presentation, "Meeting the Needs of the People we Serve" that included the following subjects:

- Progress Update: Population Estimates
- NCHS Prevalence Estimates
- DPC Population Projections
- Population Estimates

A GAC member suggested gathering historical data surrounding subjects for the past 10 years to assist with projections through 2020. Consideration of school-aged children who fall within the Autism spectrum that receives early interventions may not require or meet eligibility criteria for DDDS support was discussed.

The Office of Professional Development (OPD) developed a project team that is revisiting the eligibility criteria dated March 2008. Identified necessary revisions include adults who do not have

or cannot obtain medical records, DMV consistency revision regarding Autism Spectrum, and adaptive functioning levels. The Project Team has engaged the assistance of a psychologist and once further progressed, the DHSS Medical Director will review. The project completion goal is mid-June 2017.

- **Joint Finance Committee**

The Joint Finance Committee (JFC) held hearings differently this year. No formal presentations from any DHSS divisions were given as in the past. Due to the hearings being coordinated differently, it was confusing to some GAC members that attended past hearings. Dr. Kara Odom Walker, DHSS Secretary, and Molly Magarik, Acting Deputy Secretary attended. The GAC would like to extend an invitation for Dr. Walker and Ms. Magarik to attend an upcoming meeting.

- **Updates**

Provider Recruitment

Five new provider agencies that completed orientation last month are approved to provide DDDS services in Delaware.

- Passavant, a large agency that has extensive experience with complex behavior challenged individuals gained DDDS' approval to provide residential services in Delaware. Passavant plans include applying to perform behavioral and nursing services in Delaware via DDDS.
- Commonwealth Supported Services gained DDDS' approval to provide community living arrangements via supervised or staffed apartments.
- Abundant Life gained DDDS' approval to supply day habilitation and prevocational services and is located in New Castle County.
- Dedicated Group Homes gained DDDS' approval to supply nursing services throughout Delaware and behavior services in New Castle County.
- BC Home Health Care was approved to provide supported living services in New Castle and Kent Counties.

One of the services included in the pending Waiver amendment is "community participation". Once the Waiver amendment is approved by CMS, DDDS will add "community participation" to list of services that providers may apply to receive DDDS' approval to offer service to individuals. DDDS plans to take proactive steps to encourage vendors to apply to be a service provider of "community participation". There are at least two provider agencies that DDDS anticipates will be applying once service is offered. DDDS asked GAC to provide ideas or names of vendors/providers that may have an interest in providing "community participation" services for DDDS to reach out to once the Waiver amendment is approved by CMS.

Status of Federal Transition

DDDS is poised to respond to any question or concerns and is staying connected to the National Association of State Developmental Disabilities Directors (NASDDDS) and other national groups for any reported changes or updates. No concrete actionable changes have been received to date.

Lifespan Plan

The Waiver amendment application was finalized with changes that resulted from public comments. After DMMA review, the amendment and public comments will be posted on the DMMA and DDDS websites. DDDS and DMMA continue work to obtain the Joint Finance Committee approval of the Waiver amendment before submitting for CMS approval, per epilogue language.

From the date DMMA submits Waiver amendment application, CMS has 90 days to approve, deny, or ask questions relating to Waiver amendment application. Typically, CMS asks questions, which stops the 90-day turnaround time. Once questions are answered, CMS begins the 90-day turnaround

period over. DDDS expects the amendment to gain CMS approval within the allowable timeframe to support a July 1, 2017, launch.

Home and Community Based waivers (HCBW) require that states deliver case management services in order to conduct person centered planning. The DDDS case managers will continue to deliver case management services to individuals that reside in residential settings and DDDS is in the process of contracting with a vendor to deliver case management services to people that reside at home with family. The procurement process to select the vendor is close to completion. The award letter is expected to be sent by March 10, 2017. Once the vendor is contracted (between April and June 30th) the vendor will begin hiring, training, etc. to begin delivering person center planning. In all likelihood, the vendor will take a phased in approach and people will be assisted in the development of their person-centered plan as enrolled. Once a person is enrolled in the Waiver, there is a 60-day window for development of the person-centered plan.

The Waiver amendment also has a self-directed option for respite and personal care; therefore, a broker agency will be hired to manage using a model that CMS calls, “agency with choice”.

Once the Waiver amendment is approved, DDDS will have an amended Waiver that allows enrollment of people that live at home, the full menu of services already established, plus other services geared toward the need of families, case management entity to deliver services to people living at home, and a broker agency to assist individuals for the self-directed option.

Advoserv/Bellwether

DDDS continues engagement with Advoserv/Bellwether as evidenced by enhanced monitoring to include daily reporting requirement by Advoserv/Bellwether to DDDS. DDDS is reinforcing policy and expectations regarding holds and service delivery. DDDS has established a heightened presence in homes and is paying close attention to investigations. Reportedly, the attorney general’s office closed their investigation.

Other Business

The Disability Policy Seminar, sponsored by The ARC is being held on March 19, 2017, in Washington DC.

Terry Olson, Executive Director of The ARC of Delaware provided a “The ARC of Delaware/DDDS Housing Partnership HUD Home Funding Deficit” handout to GAC, dated February 15, 2017, for discussion at the next GAC meeting. Mr. Olson requested contact by anyone with questions surrounding the handout.

Adjournment

The meeting adjourned at 1:05 p.m.